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PATENT

Attorney Docket 044921-5029-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **William E. MUNGER et al.**

Application No. **09/960,706**

Group Art Unit: **1631**

Filed: **September 24, 2001**

Examiner: **Majorie A. Moran**

For: **IDENTIFYING DRUGS FOR AND
DIAGNOSIS OF BENIGN PROSTATIC
HYPERPLASIA USING GENE EXPRESSION
PROFILES**

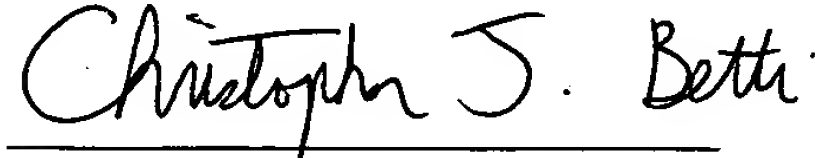
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TRANSMITTAL FOR RESPONSE

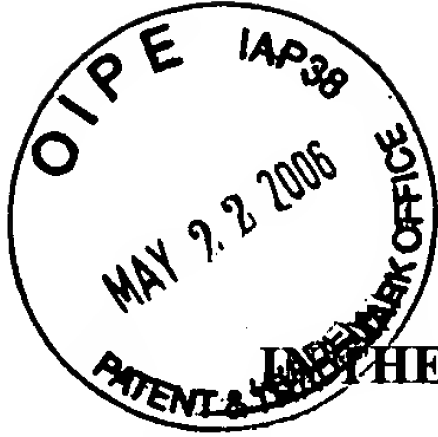
1. Transmitted herewith is an Amendment and Response Under 37 C.F.R. 1.116 in response to the non-final Office Action dated November 22, 2005.
2. Extension of Time: The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply. Applicants petition for a three-month extension of time from February 22, 2006 to May 22, 2006, the extension fee for which is \$510.00 as set out in 37 C.F.R. 1.17(a). If Applicants have inadvertently overlooked the need for an additional extension of time, please consider this a petition therefore. The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.
3. Fee Payment: The Commissioner is hereby authorized to charge **\$1,020.00** to Deposit Account No. 50-0310 for payment of the three-month extension of time fee at the small entity rate.
4. Constructive Petition: **Except** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and § 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. § 1.136(a)(3).

Dated: **May 22, 2006**
Morgan, Lewis & Bockius LLP
Customer No. **09629**
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Washington, D.C. 20004
202-739-3000

Respectfully submitted,
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RESPONSE UNDER 37 C.F.R. 1.116

In response to the non-final Office Action mailed November 22, 2005 in the above identified patent application, the time period for reply which extends to May 22, 2006, please consider the following remarks intended to place the application in condition for allowance. Applicants also submit herewith a Petition for Extension of Time with provision for the required fee requesting that the due date for response to the outstanding office action be extended three (3) months from February 22, 2006 to and including May 22, 2006.

A Listing of Claims begins on page 2 of this paper.

Remarks begin on page 4 of this paper.

05/24/2006 HALI11 00000081 500310 09960706
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